IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FOURTH DAY OF MAY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 11604 of 2005

Between:

Surampalli Srinivasa Rao, S/o Peda Venkaiah,

Aged about 40 years, Hindu, F.P. Shop Dealer,

13th Ward, Chimakurthy village and Mandal,

Prakasham District.

..... PETITIONER

AND

1. The Joint Collector,Ongole, Prakasham District

2. The Revenue Divisional Officer, Ongole,Prakasham

District.

3. The Mandal Revenue Officer, Chimakurthy Mandal,

Prakasham District.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the order of the Revenue Divisional Officer, Ongole, Prakasam District, the 2nd respondent herein in his proceedings in RcC.D.Dis./C/1467/2004 dt. 14-5-2005 canceling the Fair Price Shop Dealership authorization of the petitioner of Ward No. 13 of Chimakurthy village and Mandal, Prakasam District and the consequential inaction of the Joint Collector, Ongole, Prakasam District- 1st respondent in not considering the statutory appeal and the stay petition filed by the petitioner against the order of the 2nd respondant dated 14-5-2005, as arbitrary, malafide, illegal, improper, void, without jurisdiction vitiated, contrary to the statutory provisions of law, violative of principles of natural justice and against the Right of

Appeal and consequently set aside the order of the 2nd respondent in proceedings in Rc.C.D.Dis.C/1467/2004, dt. 14-5-2005, thereby enabling the petitioner to continue as permanent Fair Price Shop Dealer, of 13 Ward of Chimakurthy village and Mandal, Prakasham District.

Counsel for the Petitioner:MR.RAJANIKANTH JWALA

Counsel for the Respondents.: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following :

ORDER:

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This writ petition is filed assailing the proceedings in Rc.C.D.Dis./C/1467/2004, dated 14-5-2005 issued by the 2nd respondent in canceling the Fair Price Shop Dealership of the petitioner's Shop in Ward No.13 of Chimakurthy village and Mandal, Prakasham District and the consequential action of the 1st respondent in not considering the appeal filed by him.

Heard the learned counsel for the petitioner as well as the learned Government Pleader for respondents.

Admittedly, an appeal is pending before the 1st respondent and appropriate orders have to be passed by the 1st respondent in the appeal in accordance with law.

Therefore, without entering into the merits of the case, the writ petition is disposed of directing the 1st respondent to dispose of the appeal filed by the petitioner within a period of four weeks from the date of receipt of a copy of this order, after giving reasonable opportunity to the petitioner.

No order as to costs.

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K.C.Bhanu,J.

24th May, 2005.

KM

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Joint Collector, Ongole, Prakasham District

2. The Revenue Divisional Officer, Ongole,Prakasham

District.

3. The Mandal Revenue Officer, Chimakurthy Mandal, Prakasham District.

4. 2 CCs to G.P. for Civil Supplies, High Court Buildings, Hyderabad (OUT)

5. 2 CD copies

THE HON'BLE MR JUSTICE K.C. BHANU

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24th May, 2005.